

UNITED STATES DISTRICT COURT
PROBATION OFFICE
DISTRICT OF NEW JERSEY

CHRISTOPHER MALONEY
CHIEF PROBATION OFFICER

November 23, 2010

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THOMAS C. MILLER

Honorable Peter G. Sheridan
U.S. District Court Judge
Clarkson S. Fisher Federal Building & Courthouse
402 East State Street
Trenton, New Jersey 08608

RE: HODGE Jr., David L.
Dkt. No.: 10-00289-001
Notice of Non-compliance & Request
For Modification of Supervised
Release Conditions

Dear Judge Sheridan:

On March 14, 1995, David L. Hodge Jr. was sentenced in the Eastern District of North Carolina by the Honorable Malcolm J. Howard, U.S. District Judge, to 210 months imprisonment, followed by a five-year term of supervised release for the offense of Murder. The offender was also ordered to satisfy a financial obligation consisting of a \$5,000 fine, \$2,928.56 restitution, and \$50 special assessment. The following special conditions were rendered: 1) financial disclosure; 2) no new debt; 3) drug and alcohol testing/treatment; and 4) submit to search and seizure. Hodge has been supervised by this office since his release from custody on July 24, 2009. On or about April 26, 2010, Your Honor signed the Probation Form 22 executing the transfer of jurisdiction to the District of New Jersey. On May 3, 2010, Your Honor signed a *Probation Form 12-A - Report on Offender Under Supervision*, authorizing a formal written reprimand due to a positive urinalysis submission for marijuana.

Hodge again displayed non-compliance with the conditions of release. Specifically, on September 25, 2010, Hodge was the subject of a motor vehicle traffic stop by New Jersey State Police. However, he failed to notify the Probation Office of this law enforcement contact within the allotted time frame. Contrary to the aforementioned non-compliance, Hodge continues to display signs of positive reintegration by his enrollment in Essex County College and proper participation in out-patient drug treatment. ✓

Our Office recommends that an immediate sanction be imposed as a punitive measure while still considering his reintegration efforts. Specifically, we are requesting the Court approve a sanction implementing 25 hours community service to be completed under the discretion of the Probation Office. The offender acknowledged the violations cited above and signed a Waiver of Hearing (Form-49) to modify the conditions of his supervised release. Unless Your Honor considers otherwise, we ask that you sign the attached *Probation Form 12-B* authorizing the modification. We will make ourselves available should the Court wish to discuss this matter.

Respectfully submitted,

CHRISTOPHER MALONEY, Chief
U.S. Probation Officer

By: JOSEPH EMPIRIO, U.S.P.O.

/jae 
Enclosure(s)

PROB 12B
(7/93)

United States District Court

for

District of New Jersey

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: HODGE Jr., David L.

Cr.: 10-00289-001
PACTS Number: 9962

Name of Sentencing Judicial Officer: Malcolm J. Howard, U.S.D.J. - Eastern District of North Carolina

Date of Original Sentence: 03/14/95

Original Offense: Murder

Original Sentence: 210 months imprisonment; 5 years supervised release; \$5,000.00 fine; \$2,928.56 restitution; \$50.00 special assessment. Special conditions: 1) financial disclosure; 2) no new debt; 3) drug and alcohol testing/treatment; and 4) submit to search and seizure.

Type of Supervision: Supervised Release

Date Supervision Commenced: 07/24/09

PETITIONING THE COURT

[X] To modify the conditions of supervision as follows. The addition of the following special condition:

COMMUNITY SERVICE (25 hours)

The defendant shall contribute 25 hours of community service work over a period of two (2) months or less from the date this petition is signed by Your Honor. Such service shall be without compensation, with the specific work placement to be approved by the U.S. Probation Office.

CAUSE

On September 25, 2010, Hodge was the subject of a motor vehicle traffic stop by New Jersey State Police. However, he failed to notify the Probation Office of this law enforcement contact within the allotted time frame.

Respectfully submitted,

By: Joseph Empirio, U.S.P.O.

Date: 11/23/10

THE COURT ORDERS:

☒ The Modification of Condition(s) as Noted Above *so long as it does not interfere with work hours or other business reasons.*
☐ No Action
☐ Other

Malcolm J. Howard
Signature of Judicial Officer

12/2/10
Date